



General Assembly

Substitute Bill No. 5243

February Session, 2022



AN ACT CONCERNING THE IDENTIFICATION AND PREVENTION OF AND RESPONSE TO ADULT SEXUAL MISCONDUCT AGAINST CHILDREN.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2022*) (a) For the school year
2 commencing July 1, 2022, and biennially thereafter, the Department of
3 Public Health shall administer the Connecticut School Health Survey to
4 students in grades nine to twelve, inclusive, provided the department
5 receives funding from the federal Centers for Disease Control and
6 Prevention for such purpose. The survey shall be based on the Youth
7 Risk Behavior Survey developed by the federal Centers for Disease
8 Control and Prevention. The department shall provide guidelines to the
9 local or regional board of education regarding the administration of the
10 survey to those high schools selected at random by the federal Centers
11 for Disease Control and Prevention. Such local or regional board of
12 education shall administer the survey to each high school selected to
13 participate in the survey in accordance with the guidelines provided by
14 the department, including, but not limited to, (1) the survey protocol as
15 required by the federal Centers for Disease Control and Prevention, (2)
16 the requirement to provide parents the opportunity to exclude their
17 children from the survey by denying permission in writing, on a form
18 prescribed by the department, (3) the requirement for the survey to be

19 anonymous and administered in a manner designed to protect student
20 privacy, (4) the timeframe for completion of the survey, and (5) the
21 process by which the results of such survey are to be submitted to the
22 department.

23 (b) The department, in consultation with the Department of Mental
24 Health and Addiction Services, the Office of Early Childhood, the
25 Department of Children and Families, the Department of Education and
26 any other agency or public interest group the department deems
27 necessary, may develop additional survey questions to be included as
28 part of the Connecticut School Health Survey that are relevant to the
29 health concerns of high school students in the state.

30 Sec. 2. (NEW) (*Effective July 1, 2022*) Not later than October 1, 2022,
31 the Child Advocate, in consultation with the Department of Public
32 Health and the Department of Children and Families, shall develop and
33 update, as necessary, questions designed to assess the risk of youths
34 becoming victims of sexual assault or misconduct by an adult. Such
35 questions shall be included as part of the Connecticut School Health
36 Survey administered pursuant to section 1 of this act.

37 Sec. 3. (NEW) (*Effective from passage*) Not later than January 1, 2023,
38 the Department of Education, in consultation with the Department of
39 Public Health, shall develop for use by a local or regional board of
40 education (1) a uniform policy concerning timely notification to the
41 parents or guardians of students in grades nine to twelve, inclusive,
42 about the Connecticut School Health Survey not later than twenty-one
43 calendar days prior to the date such board will be administering the
44 survey at a high school governed by such board, and (2) a form to be
45 distributed to parents or guardians for the purposes of the notification
46 required pursuant to subdivision (1) of this section that includes, but is
47 not limited to, (A) an explanation of the Connecticut School Health
48 Survey and how a parent or guardian may opt out of such survey being
49 administered to his or her child, and (B) the Internet link to the survey
50 that will be administered.

51 Sec. 4. (NEW) (*Effective July 1, 2022*) For the school year commencing
52 July 1, 2022, and each school year thereafter, if the results of the
53 Connecticut School Health Survey, administered pursuant to section 1
54 of this act, reveal that a student in the school in which such survey was
55 administered has been the victim of a sexual assault or misconduct by
56 an adult, then the local or regional board of education for such school
57 shall request the Department of Children and Families and the
58 Department of Education to provide or facilitate (1) training for the
59 teachers, administrators and other staff of such school about how to
60 support students who have experienced abuse, (2) the provision of
61 counseling services for students by working with school-based mental
62 health personnel and administrators of such school, (3) the distribution
63 of materials relating to counseling services created or offered by victim
64 advocates groups and other state agencies, and (4) the bystander
65 training program and appropriate interaction with children training
66 program, developed or adopted pursuant to section 5 of this act, to all
67 teachers, administrators and other school staff of such school.

68 Sec. 5. (NEW) (*Effective July 1, 2022*) (a) Not later than January 1, 2023,
69 the Department of Children and Families, in consultation with the
70 Department of Education, shall develop or adopt a bystander training
71 program and an appropriate interaction with children training
72 program. The department shall update as necessary such bystander
73 training and an appropriate interaction with children training program.
74 Such training programs shall be provided to any school employee who
75 has been hired by a local or regional board of education, in accordance
76 with the provisions of section 6 of this act, and included as part of a local
77 or regional board of education's in-service training program, pursuant
78 to section 10-220a of the general statutes, as amended by this act.

79 (b) The department may enter into a memorandum of understanding
80 with each regional educational service center for the bystander training
81 program and appropriate interaction with children training program to
82 be provided at or by such center to the teachers, administrators and
83 other staff of the local and regional boards of education that are

84 members of such center.

85 (c) The department may enter into a memorandum of understanding
86 with the governing authority for intramural and interscholastic athletics
87 for the bystander training program and the appropriate interaction with
88 children training program to be provided by such governing authority
89 to coaches who hold or are issued coaching permits by the State Board
90 of Education, in accordance with the provisions of section 6 of this act.

91 Sec. 6. (NEW) (*Effective July 1, 2022*) For the school year commencing
92 July 1, 2023, and each school year thereafter, any school employee who
93 has been hired by a local or regional board of education shall complete
94 the bystander training program and the appropriate interaction with
95 children training, developed or adopted pursuant to section 5 of this act.
96 In the case of a school employee who is a coach of intramural or
97 interscholastic athletics, such training shall be completed prior to
98 commencing the coaching assignment for the season of such intramural
99 or interscholastic athletics. For purposes of this section, "school
100 employee" means a teacher, substitute teacher, school administrator,
101 school superintendent, guidance counselor, school counselor,
102 psychologist, social worker, nurse, physician, school paraprofessional
103 or coach employed by a local or regional board of education or working
104 in a public elementary, middle or high school.

105 Sec. 7. Subdivision (1) of subsection (b) of section 17a-101a of the
106 general statutes is repealed and the following is substituted in lieu
107 thereof (*Effective July 1, 2022*):

108 (b) (1) Any person required to report under the provisions of this
109 section who fails to make such report or fails to make such report within
110 the time period prescribed in sections 17a-101b to 17a-101d, inclusive,
111 and section 17a-103 shall be guilty of a class A misdemeanor, except that
112 such person shall be guilty of a class E felony if (A) such violation is a
113 subsequent violation, (B) such violation was wilful or intentional or due
114 to gross negligence, or (C) such person had actual knowledge that (i) a
115 child was abused or neglected, as described in section 46b-120, or (ii) a

116 person was a victim described in subdivision (2) of subsection (a) of this
117 section. Notwithstanding the provisions of section 54-193, no person
118 shall be prosecuted for a violation of the provisions of this section
119 committed on or after July 1, 2022, except within three years after such
120 violation has been committed.

121 Sec. 8. Subsection (b) of section 17a-101 of the general statutes is
122 repealed and the following is substituted in lieu thereof (*Effective October*
123 *1, 2022*):

124 (b) The following persons shall be mandated reporters: (1) Any
125 physician or surgeon licensed under the provisions of chapter 370, (2)
126 any resident physician or intern in any hospital in this state, whether or
127 not so licensed, (3) any registered nurse, (4) any licensed practical nurse,
128 (5) any medical examiner, (6) any dentist, (7) any dental hygienist, (8)
129 any psychologist, (9) any school employee, as defined in section 53a-65,
130 (10) any social worker, (11) any person who holds or is issued a coaching
131 permit by the State Board of Education, is a coach of intramural or
132 interscholastic athletics and is eighteen years of age or older, (12) any
133 individual who is employed as a coach or director of youth athletics and
134 is eighteen years of age or older, (13) any individual who is employed
135 as a coach or director of a private youth sports organization, league or
136 team and is eighteen years of age or older, (14) any paid administrator,
137 faculty, staff, athletic director, athletic coach or athletic trainer employed
138 by a public or private institution of higher education who is eighteen
139 years of age or older, excluding student employees, (15) any police
140 officer, (16) any juvenile or adult probation officer, (17) any juvenile or
141 adult parole officer, (18) any member of the clergy, (19) any pharmacist,
142 (20) any physical therapist, (21) any optometrist, (22) any chiropractor,
143 (23) any podiatrist, (24) any mental health professional, (25) any
144 physician assistant, (26) any person who is a licensed or certified
145 emergency medical services provider, (27) any person who is a licensed
146 or certified alcohol and drug counselor, (28) any person who is a
147 licensed marital and family therapist, (29) any person who is a sexual
148 assault counselor or a domestic violence counselor, as defined in section

149 52-146k, (30) any person who is a licensed professional counselor, (31)
150 any person who is a licensed foster parent, (32) any person paid to care
151 for a child in any public or private facility, child care center, group child
152 care home or family child care home licensed by the state, (33) any
153 employee of the Department of Children and Families or any person
154 who, in the performance of such person's duties, has regular contact
155 with and provides services to or on behalf of children pursuant to a
156 contract with or credential issued by the Department of Children and
157 Families, (34) any employee of the Office of Early Childhood who is
158 responsible for the licensing of child care centers, group child care
159 homes, family child care homes or youth camps, (35) any paid or
160 volunteer youth camp director or assistant director and any paid or
161 volunteer staff member who is eighteen years of age or older, (36) the
162 Child Advocate and any employee of the Office of the Child Advocate,
163 (37) any person who is a licensed behavior analyst, (38) any family
164 relations counselor, family relations counselor trainee or family services
165 supervisor employed by the Judicial Department, (39) any victim
166 services advocate employed by the Office of Victim Services within the
167 Judicial Department, (40) any employee of a juvenile justice program
168 operated by or pursuant to a contract with the Court Support Services
169 Division of the Judicial Department, and (41) any person employed,
170 including any person employed under contract and any independent
171 ombudsperson, to work at a juvenile detention facility or any other
172 facility where children under eighteen years of age are detained and
173 who has direct contact with children as part of such employment.

174 Sec. 9. Subdivisions (1) and (2) of subsection (i) of section 10-145b of
175 the general statutes are repealed and the following is substituted in lieu
176 thereof (*Effective July 1, 2022*):

177 (i) (1) The State Board of Education may take one or more of the
178 following actions, in accordance with the provisions of subdivision (2)
179 of this subsection, against a person holding a certificate, permit or
180 authorization based on conduct that occurred prior or subsequent to the
181 issuance of such certificate, permit or authorization: (A) Revoke the

182 holder's certificate, permit or authorization; (B) suspend the holder's
183 certificate, permit or authorization; or (C) place the holder's certificate
184 on probation, subject to conditions determined by the Commissioner of
185 Education.

186 (2) The State Board of Education may take any of the actions
187 described in subparagraphs (A) to (C), inclusive, of subdivision (1) of
188 this subsection with respect to a holder's certificate, permit or
189 authorization issued pursuant to sections 10-144o to 10-149, inclusive,
190 for any of the following reasons: (A) The holder of the certificate, permit
191 or authorization obtained such certificate, permit or authorization
192 through fraud or misrepresentation of a material fact; (B) the holder has
193 persistently neglected to perform the duties for which the certificate,
194 permit or authorization was granted; (C) the holder is professionally
195 unfit to perform the duties for which the certificate, permit or
196 authorization was granted; (D) the holder is convicted in a court of law
197 of a crime involving moral turpitude or of any other crime of such
198 nature that in the opinion of the board continued holding of a certificate,
199 permit or authorization by the person would impair the standing of
200 certificates, permits or authorizations issued by the board; (E) the holder
201 has had a finding of abuse or neglect substantiated against the holder
202 pursuant to section 17a-101g and such finding has been upheld
203 following an appeal pursuant to section 17a-101k; or [(E)] (F) other due
204 and sufficient cause. The State Board of Education may revoke any
205 certificate, permit or authorization issued pursuant to said sections if the
206 holder is found to have intentionally disclosed specific questions or
207 answers to students or otherwise improperly breached the security of
208 any administration of a mastery examination, pursuant to section 10-
209 14n. In any revocation proceeding pursuant to this section, the State
210 Board of Education shall have the burden of establishing the reason for
211 such revocation by a preponderance of the evidence. Revocation shall
212 be in accordance with procedures established by the State Board of
213 Education pursuant to chapter 54.

214 Sec. 10. (NEW) (*Effective July 1, 2022*) Not later than January 1, 2023,

215 the Department of Children and Families, in collaboration with the
216 Department of Education and the Department of Emergency Services
217 and Public Protection, shall develop or adopt a victim sensitivity
218 training program for school social workers, mental health professionals
219 and school administrators. The department shall make such training
220 program available to local and regional boards of education. Such
221 training program shall be included as part of a local or regional board
222 of education's in-service training program, pursuant to section 10-220a
223 of the general statutes, as amended by this act.

224 Sec. 11. (NEW) (*Effective July 1, 2022*) Not later than January 1, 2023,
225 the Department of Education, Office of Early Childhood, Department of
226 Children and Families and the Labor Department shall jointly develop
227 a checklist to be used by local and regional boards of education and
228 providers of child care services, as described in section 19a-77 of the
229 general statutes, during the hiring process for the purpose of screening
230 applicants and prospective employees. Any such checklist to be used by
231 child care providers shall include, but need not be limited to,
232 comprehensive background checks as described in section 10-530 of the
233 general statutes.

234 Sec. 12. (NEW) (*Effective July 1, 2022*) On and after July 1, 2023, the
235 Department of Children and Families shall make available, upon
236 request of a youth-serving organization or religious organization, any
237 materials relating to the bystander training program and the
238 appropriate interaction with children training program developed or
239 adopted pursuant to section 5 of this act or the victim sensitivity training
240 program developed or adopted pursuant to section 10 of this act.

241 Sec. 13. (NEW) (*Effective July 1, 2022*) Not later than July 1, 2023, the
242 Department of Children and Families, in consultation with the
243 Department of Education, shall develop a framework for addressing
244 adult sexual misconduct in schools. Such framework shall include, but
245 need not be limited to, (1) a definition of adult sexual misconduct, (2)
246 protocols and guidance that local and regional boards of education can
247 use to address adult sexual misconduct in schools that is consistent with

248 federal law and guidelines on sexual abuse prevention and
249 antidiscrimination, (3) guidance on the requirements and obligations of
250 mandated reporters, and (4) provisions addressing the heightened risk
251 of victimization for highly vulnerable students, such as students with
252 disabilities or who are lesbian, gay, bisexual, transgender, queer and
253 other sexual orientations and gender identities. Such framework shall
254 require that any trainings provided by local and regional boards of
255 education regarding adult sexual misconduct or abuse prevention and
256 response be comprehensive, on-going and offered to all school
257 employees, as defined in section 6 of this act, members of the board of
258 education and parents and guardians of students. The department may
259 seek input and recommendations from stakeholders groups while
260 developing the framework.

261 Sec. 14. (NEW) (*Effective July 1, 2022*) For the school year commencing
262 July 1, 2023, and each school year thereafter, each local and regional
263 board of education shall develop and implement a policy for addressing
264 adult sexual misconduct in the schools under the jurisdiction of the
265 board. Such policy shall be in accordance with the framework for
266 addressing adult sexual misconduct developed by the Department of
267 Education pursuant to section 13 of this act. The board shall annually
268 provide a copy of such policy to all school employees, as defined in
269 section 53a-65 of the general statutes, the members of the board of
270 education and the parents and guardians of students enrolled in the
271 schools under the jurisdiction of the board.

272 Sec. 15. Section 10-145a of the general statutes is amended by adding
273 subsection (k) as follows (*Effective July 1, 2022*):

274 (NEW) (k) On and after July 1, 2023, any program of teacher
275 preparation leading to professional certification shall include, as part of
276 the curriculum, instruction in adult sexual misconduct awareness and
277 prevention in schools.

278 Sec. 16. Subsection (a) of section 10-220a of the 2022 supplement to
279 the general statutes is repealed and the following is substituted in lieu

280 thereof (*Effective July 1, 2023*):

281 (a) Each local or regional board of education shall provide an in-
282 service training program for its teachers, administrators and pupil
283 personnel who hold the initial educator, provisional educator or
284 professional educator certificate. Such program shall provide such
285 teachers, administrators and pupil personnel with information on (1)
286 the nature and the relationship of alcohol and drugs, as defined in
287 subdivision (17) of section 21a-240, to health and personality
288 development, and procedures for discouraging their abuse, (2) health
289 and mental health risk reduction education that includes, but need not
290 be limited to, the prevention of risk-taking behavior by children and the
291 relationship of such behavior to substance abuse, pregnancy, sexually
292 transmitted diseases, including HIV-infection and AIDS, as defined in
293 section 19a-581, violence, teen dating violence, domestic violence and
294 child abuse, the bystander training and an appropriate interaction with
295 children training program developed or adopted pursuant to section 5
296 of this act, and the victim sensitivity training program developed or
297 adopted pursuant to section 10 of this act, (3) school violence
298 prevention, conflict resolution, the prevention of and response to youth
299 suicide and the identification and prevention of and response to
300 bullying, as defined in subsection (a) of section 10-222d, except that
301 those boards of education that implement any evidence-based model
302 approach that is approved by the Department of Education and is
303 consistent with subsection (c) of section 10-145a, sections 10-222d, 10-
304 222g and 10-222h, subsection (g) of section 10-233c and sections 1 and 3
305 of public act 08-160, shall not be required to provide in-service training
306 on the identification and prevention of and response to bullying, (4)
307 cardiopulmonary resuscitation and other emergency life saving
308 procedures, (5) the requirements and obligations of a mandated
309 reporter, (6) the detection and recognition of, and evidence-based
310 structured literacy interventions for, students with dyslexia, as defined
311 in section 10-3d, (7) culturally responsive pedagogy and practice,
312 including, but not limited to, the video training module relating to
313 implicit bias and anti-bias in the hiring process in accordance with the

314 provisions of section 10-156hh, [and] (8) the principles and practices of
315 social-emotional learning and restorative practices, and (9) adult sexual
316 misconduct awareness and prevention. Each local or regional board of
317 education may allow any paraprofessional or noncertified employee to
318 participate, on a voluntary basis, in any in-service training program
319 provided pursuant to this section.

320 Sec. 17. (NEW) (*Effective July 1, 2022*) For the school year commencing
321 July 1, 2022, and each school year thereafter, each local and regional
322 board of education shall provide to all school employees, as defined in
323 section 53a-65 of the general statutes, the members of the board of
324 education and the parents and guardians of students enrolled in the
325 schools under the jurisdiction of the board, a copy of the guidelines
326 regarding child sexual abuse, developed pursuant to section 17a-101r of
327 the general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2022</i>	New section
Sec. 2	<i>July 1, 2022</i>	New section
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>July 1, 2022</i>	New section
Sec. 5	<i>July 1, 2022</i>	New section
Sec. 6	<i>July 1, 2022</i>	New section
Sec. 7	<i>July 1, 2022</i>	17a-101a(b)(1)
Sec. 8	<i>October 1, 2022</i>	17a-101(b)
Sec. 9	<i>July 1, 2022</i>	10-145b(i)(1) and (2)
Sec. 10	<i>July 1, 2022</i>	New section
Sec. 11	<i>July 1, 2022</i>	New section
Sec. 12	<i>July 1, 2022</i>	New section
Sec. 13	<i>July 1, 2022</i>	New section
Sec. 14	<i>July 1, 2022</i>	New section
Sec. 15	<i>July 1, 2022</i>	10-145a
Sec. 16	<i>July 1, 2023</i>	10-220a(a)
Sec. 17	<i>July 1, 202</i>	New section

Statement of Legislative Commissioners:

In Section 3, "(NEW)" was added in introductory language for consistency with drafting conventions, in Section 8(b)(35), "any paid or volunteer youth camp director, [or] assistant director or employee who is eighteen years of age or older" was changed to "any paid or volunteer youth camp director or assistant director and any paid or volunteer staff member who is eighteen years of age or older", for clarity; in Section 9(i)(2)(E), "substantiated" was changed to "substantiated against the holder" for clarity; in Sections 4, 6 and 12, "described in" was changed to "developed or adopted pursuant to" for accuracy; and in Section 16(a)(2), "section 4" was changed to "section 5" and "described in" was changed to "developed or adopted pursuant to" for accuracy.

KID *Joint Favorable Subst.*